

Highlights of Changes to the 10th Circuit BAP Local Rules

Initial Documents

- All **BAP Forms** have been eliminated. Sample documents to provide reference are available from the BAP website.
- **Transcripts** may be ordered using your local bankruptcy court's form; the BAP no longer requires any copies of the transcript order form.
- A written **entry of appearance** is required only when an attorney is not listed on the notice of appeal.
- All non-governmental parties must file a **Statement of Interested Parties** with the BAP within ten days of the notice that the case has been docketed with the BAP.

Filing and Service of Papers

- Papers filed with the BAP must include a **fax number**, if available.
- All papers other than a brief or appendix to a brief may be **filed by fax**, and the fax is considered the original.
- **No more copies** - only the original of any paper other than a brief or appendix to a brief is required (a party must still file the original and three copies of a brief or appendix to a brief).
- Parties may consent to receive **electronic service**.

Briefs

- The requirement that the cover be a **particular color** has been eliminated.
- The minimum **font size** has been changed from 11-point to 12-point.
- The requirement that all parties file a **statement of related cases** has been changed so that only those parties who know of a related case need file a statement listing the case(s).

- The front cover of the brief must contain a **statement of whether oral argument is requested**. If a party requests oral argument, the party must include a statement of reasons for oral argument after the conclusion of the brief.

Citation of Unpublished Decisions

- Parties may **refer to an unpublished BAP decision** if it would assist the Court on a material issue and the issue has not been addressed in a published opinion.

Motion Practice

- Movants may file a **reply to a response** within 5 calendar days after service of the response.

Mandate

- The **time period between issuing a decision and issuing the mandate** has been shortened to 10 days, resulting in jurisdiction being returned to the bankruptcy court more quickly.
- The procedure for **obtaining a stay of the mandate** is now consistent with Fed. R. Bankr. P. 8017(b).

New Sections

- Student Practice: When certain conditions are satisfied, **law students may appear before this court** under the supervision of an attorney.
- Cases Involving Constitutional Question: When a party **challenges a provision of the United States Constitution or a state constitution**, the party must give the BAP notice, and the BAP will notify the appropriate attorney general.
- Supplemental Authority: When a party learns of **additional authority** after its brief has been filed, the party may file a letter stating the additional authority.